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COMMITTEE ON THE RIGHTS OF THE CHILD

Sixth session

SUMMARY RECORD OF THE 140th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 11 April 1994, at 3 p.m.

Chairperson: Mr. HAMMARBERG

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

France (CRC/C/3/Add.15; CRC/C.5/WP.4) (continued)

1. The CHAIRPERSON drew attention to the section of the list of issues entitled "Definition of the child" issued in document CRC/C.5/WP.4 which read:

"Definition of the child
(Art. 1 of the Convention)

1. Is there any derogation from the minimum legal age for marriage? If so, in what cases?

2. Having regard to paragraphs 161 and 395-398 of the report and articles 1, 37 (b) and 40, paragraph 3 (a), of the Convention, please specify the age of criminal liability of children and the manner in which deprivation of freedom, including police detention, in the case of children is a measure of last resort and is applied for the shortest possible period."

2. Mr. FONROJET (France), summarizing the contents of the written replies available in French only, to the list of issues, said with regard to issue No. 1, that the French Civil Code set the minimum legal age for marriage at 15 years for girls and 18 years for boys. The minimum age could be reduced by procurator's order, given valid reason, generally pregnancy, at the place of celebration of the marriage.

3. With regard to issue No. 2, while there was no threshold age for institution of criminal proceedings under French criminal legislation, threshold ages had been set for police custody, pre-trial detention and sentencing. The length of sentence was also regulated.

4. The provisions for detention of minors in police custody, before the entry into force of the acts of 4 January 1993 and 24 August 1993, had been regulated by a circular of the Garde des Sceaux to restrict police custody to cases where it was essential to the investigation concerned. The newer legislation provided greater protection by setting out specific conditions, determined by the age of the child and the nature of the alleged offence, to govern the detention in police custody of minors in the age groups of 10 to 13, 13 to 16 and 16 to 18.

5. The next stage after police custody was pre-trial detention. A number of laws had modified the conditions governing the pre-trial detention of minors, taking account of age and the gravity of the alleged offence. Minors below the age of 13 could not be placed in pre-trial detention, regardless of the alleged offence. Minors between the ages of 13 and 16 could be served with a detention warrant only if accused of a serious offence and only for a period not exceeding six months, which might be extended for not more than six months by order of the examining magistrate. Minors over the age of 16, if accused

of a serious offence, might be served with a detention warrant for a period not exceeding one year, extendible by the examining magistrate for not more than a year.

6. With regard to sentencing, no custodial sentence could be passed on a minor under 13 years of age; educational measures only might be ordered. In the case of minors over 13, a children's court was not empowered to pass a custodial sentence or a suspended custodial sentence without giving adequate grounds for such action. The term of the sentence could not be greater than half the term an adult would be liable to receive; in the case of life imprisonment, minors could not be sentenced to a term exceeding 20 years. Nevertheless, a children's court could, in exceptional circumstances, in view of the nature of the offence and the character of the minor, decide not to apply the reduced sentences provided. Adequate grounds were necessary for such a decision. Minors served custodial sentences in special centres for young offenders or in parts of prisons separated from the areas in which adult offenders were held. Fifty-one penal establishments were available to minors. The conditions of detention of minors, including health care, education and contact with their families, was regulated by a recent ministerial circular.

7. The CHAIRPERSON first invited comments on the minimum legal age for marriage.

8. Mrs. SANTOS PAIS asked whether the provision in France of a minimum legal age for marriage that was different for the two sexes was not discrimination on grounds of sex, contrary to article 2 of the Convention. Furthermore, paragraph 157 of the initial report (CRC/C/3/Add.15), stated that the marriage of a minor had the effect of emancipation. Did emancipation mean that the person concerned was no longer entitled to the protection to which a child was entitled?

9. Mr. KOLOSOV said that in the case of girls there appeared to be a discrepancy between the age limit for compulsory education, which was 16, and the minimum legal age for marriage, which was 15. If a girl below the age of 16 was married and particularly if she was a mother, he did not see how she could continue her education. What would happen if an emancipated minor decided not to continue her education following marriage, since that would effectively reduce the age of compulsory education for girls to 15?

10. Mr. MOMBESHORA said that in order to resolve the apparent conflict between the two areas of legislation it might be useful to raise the minimum legal age of marriage of girls to 16. Although education might be compulsory up to the age of 16, the possibility of marriage at 15 might encourage girls to drop out of school.

11. Mr. FONROJET (France) said that the opportunity for derogation from the minimum legal age for marriage, the grounds for which was generally pregnancy, had been provided as a practical response to the realities of life rather than as a means of discrimination. Emancipation did not relieve a minor of the obligation to attend school. The difference in the legal age for marriage for boys and girls was probably linked to differences in physical, mental and emotional development of the two sexes; a more comprehensive explanation could be provided by experts in the field if the Committee so required.

12. Nothing in the law prevented any person under the age of 16 from attending school. France made no discrimination between the sexes with regard to the age for compulsory education. The French system of social welfare was such that every assistance was provided to minors in difficult circumstances, whether physically or mentally handicapped in any way, or pregnant or a mother, to enable them to receive the education they were entitled to by law. Pregnant girls and mothers under 16 did in fact attend school except during the actual maternity period. In addition, should minors for some reason be physically unable to attend school - or at the request of their parents under the principle that parents had the right, subject to the right of the child to express his views, to choose the form of education to be followed by their children - provision was made for children to follow their education by correspondence.

13. Mr. MOMBESHORA asked whether a child under 16 continuing its education by correspondence was considered to be fulfilling the obligation for compulsory education up to the age of 16.

14. Mr. FONROJET (France) said that children being educated by correspondence followed the same curricula as the schools, under the supervision of the educational authorities.

15. Mrs. SANTOS PAIS said that an interesting survey had recently been carried out in France on the question of forced marriage. While that probably related more to customs imported into France from elsewhere, it was probably not unrelated to the fact that the law enabled girls to marry at 15, following which, as a result of emancipation, they might not enjoy the full protection afforded to minors. Had that issue been covered in the survey on forced marriage?

16. The CHAIRPERSON said it had been seen with respect to other countries that a low age of marriage for girls tended to have a discriminatory effect on them, since they could be under pressure to marry, to the detriment of their education and possible future careers.

17. Mr. FONROJET (France) said that the survey on forced marriage had been undertaken because the population composition of France had changed radically in recent years as had behaviour patterns. The intent was to prevent the possibility of legislation introduced to protect the child being used against the interests of children. The question was a very large one which he could not cover in detail in the limited time available.

18. In French legal terminology, emancipation signified recognition that a minor, boy or girl, was competent to dispense with the consent of his or her parents in the accomplishment of various acts of civil life. In that sense an emancipated minor was considered an adult. Emancipation did not, however, dispense a child from other obligations, such as attendance at school.

19. Miss MASON said that she would like to have clarification on a number of matters relating to the definition of the child. Firstly, she inferred from paragraph 151 of the initial report (CRC/C/3/Add.15) that, in principle, it was accepted that an under-age child was legally incapable of exercising certain rights. In view of the provisions of paragraphs 152, 154 and 156,

however, she wondered whether the freedoms implied related specifically to older adolescents aged 16 to 18 years or were deemed generally applicable. Referring to paragraph 157, she asked for clarification about the age of discernment mentioned in the third sentence, and wondered whether the right of a minor to have his own passport at 15 years of age might be felt to imply a possible conflict between the rights of the child and parental authority. With regard to paragraph 158, which stated that the minor might freely recognize a natural child, she asked what was meant by "recognize". She also asked whether, in the case of the impregnation of an 11-year old, for example, what the consequences were for the child and the perpetrator. On the subject of sanctions against offenders below the age of 13 years, referred to in paragraph 161, she wondered whether measures other than educative could be applicable. She also wondered, with regard to paragraph 162, how "a very early age" was determined, and who paid for the insurance cover referred to in the last sentence. Lastly, she would like to have examples of the way in which the emancipation of a minor, referred to in paragraph 163, could be pronounced.

20. Mr. FONROJET (France) said that the questions raised by the members of the Committee had raised a number of complex issues; his delegation would seek to provide detailed replies to them for the next meeting. In the meantime, he hoped that the Committee would allow him to respond in a general manner. New provisions adopted by France reflected that country's efforts to fulfil its obligations pursuant to the Convention and were not intended, of course, to be seen as measures applicable everywhere. It was clear, from the Convention itself, that to define the child was no easy task; one example of the difficulty was the question of what was to be understood by discernment.

21. Emancipation was a legal act pronounced by a judge. Access to contraception was permitted to all minors; no age limit applied to the right to a dialogue between child and doctor without parental authorization. Likewise, the legal provision that termination of a minor's pregnancy required the minor's prior consent free from parental influence was intended to avoid possible pressure on her.

22. Mrs. DUBREUIL (France) said that, in fact, it was the text of the Convention that had prompted France to incorporate the notion of discernment in its domestic law, which had previously referred to threshold ages. Although discernment was not defined in the Convention, France's intention was to develop jurisprudence based on application of the Act of 8 January 1993. A number of guidelines already existed in that regard, although no single criterion based on age alone could be adopted. In each case, a judge must give a reasoned decision; likewise, a judge could not set aside a request by a minor for a hearing except by a reasoned decision. In short, French law took a flexible approach to the question of discernment.

23. The CHAIRPERSON invited the Committee to consider the second issue under "Definition of the child": age of criminal liability. Noting that not all members of the Committee were familiar with the French system of administration of justice, he asked for an explanation of the term garde à vue which appeared in section B.2 (1) of the written replies by France to the list of issues, so far available in French only.

24. Mr. FONROJET (France) said that the term garde à vue, in other words police custody, referred to the detention on police premises, for purposes of questioning in the course of a criminal investigation, of a person suspected of having committed a criminal offence. Such detention was by law restricted to a strictly defined short period that could be extended only by order of a magistrate, acting under the authority of the Procurator-General of the Republic.

25. Mrs. SANTOS PAIS said that she found the flexible approach in French law of considerable interest, particularly since the law seemingly recognized no age of minimum criminal responsibility. She wondered, therefore, whether France would consider establishing, in line with article 40 of the Convention, a threshold age in that regard. Such a threshold would greatly clarify matters, especially in respect of problems relating to the police custody procedure. It seemed that, from the age of seven or eight years, regarded as the age of reason, a minor could be subject to a declaration of culpability, which could appear on the records. She wondered, whether such a declaration, even if there was no possibility of its later use if no criminal liability had been established, was in the child's best interest. In that connection, it seemed that a child could, at any age, be placed in an educative institution; therefore, the Committee needed details of such institutions and their conditions.

26. She would also like to know the difference between police custody and pre-trial detention. In any case, she felt that deprivation of a minor's freedom should be applied only as a measure of last resort. With regard to conditions of police custody, she noted that the circular dated 14 February 1994, referred to in the French delegation's further replies, mentioned the provision of adequate food but no provision of other items such as reading matter, recreation facilities or private access by family members and a lawyer. She also noted, in regard to penalties for child offenders, that a maximum sentence was deemed to be half that applicable to an adult offender. In her view, an approach based on adult sentences adjusted to the child could often be harsh in effect. The matters she had raised reflected serious issues; she hoped, therefore, that further details could be provided in reply to them.

27. Mrs. DUBREUIL said that there were, in fact, very few cases in France of deprivation of minors' freedom. Children under 10 years of age could not be held in police custody. A minor from 10 to 13 years of age could only be detained if there were serious and supported grounds for assuming that he had committed or attempted to commit a crime or offence punishable by at least seven years' imprisonment, pursuant to Act No. 94-89 of 1 February 1994, which had been introduced on account of a recent rise in instances of violence perpetrated by children in the age-group concerned. The difference between police custody and pre-trial detention was quite important. Police custody involved detention in police premises. Parents were immediately informed and were allowed access to the minor. The latter must be examined by a doctor appointed by a judge at the outset of the detention. The doctor must, inter alia, state the child's fitness to be detained and issue a medical certificate, which was filed with the records. In no case could a minor be detained for more than 10 hours.

28. With regard to criminal records, a measure had been introduced in 1993 aimed at avoiding, as far as possible, not only imprisonment of minors but the recording of a criminal conviction. To that end, detention of minors was not mentioned for the purpose of criminal records.

29. In French law, reparation measures were designed to reconcile offender and victim wherever possible, either through direct compensation or public service (travail d'intérêt général); the criterion in that regard was the overall effect, rather than the number of hours worked. With regard to penalties in respect of minors, educative measures always took preference over deprivation of freedom, which was viewed as a measure of last resort.

30. For persons aged from 13 to 18 years, criminal liability was deemed diminished; even in cases of very serious offences a court could issue a reasoned decision to rule a reduction of liability. As a result, very few minors were ever imprisoned. Also available in France was the procedure of reprimand by a magistrate in the presence of the parents; such a reprimand did not appear on a minor's record. In addition, a young person could make a request to have his details expunged from the records after three years - although that possibility did not apply to cases heard in the assize courts.

31. Mrs. SANTOS PAIS said that the fact that record details could be expunged was important; she wondered whether the expunction was automatic, and whether it must be pointed out. She noted the explanation given about the difference between police custody and pre-trial detention, but wondered whether a minor would understand the difference. The question, in any case, was whether detention was the right solution. With regard to penalties in cases of minors, for many years the United Nations had been calling for measures other than placement in institutions. For that reason, the Eighth United Nations Congress on Prevention of Crime and Treatment of Offenders had adopted the Riyadh Guidelines, which, inter alia, advocated the placement of young offenders with families. In general, sentences should be as short as possible, as encouraged in article 37 of the Convention.

32. Mrs. DUBREUIL (France) replied that some judges automatically expunged details from the record after three years if the minor had not re-offended. In the course of reforming French penal law, it had been suggested that the public prosecutor should be requested to reconsider cases of minors after an appropriate period, with a view to ensuring a clean record. Such action had been deemed to be too difficult from an administrative point of view, despite computerization, but it remained a matter of concern. In that connection, it should be noted that under the new nationality laws, application for French nationality would not take into account offences committed under the age of 18.

33. France could hardly be accused of not respecting the Riyadh Guidelines and the Beijing Rules, and minors were certainly not crowding the country's corrective institutions. Priority was now given by judges to care within the family, a notable example being the case of three minors who had been allowed to remain with their families instead of being institutionalized after being found guilty of the brutal murder of a tramp in 1993.

34. Miss MASON asked for further details of the educative and other measures referred to throughout the report. A reply to her earlier question on parental authority in respect of the granting and holding of a passport by a 15-year old would be much appreciated.

35. Mrs. DUBREUIL (France) said that the report contained a slight error on the passport question. A minor could hold a passport from the age of 16 but could not leave the national territory without parental consent, unless the parents were themselves absent or in some way unable to exert their authority, in which case a guardian would be appointed for the purpose. It should be noted that not even a juvenile judge had the authority to allow a minor to leave the country without parental consent.

36. The educative measures applied to delinquent minors fell within the purview of the various social services, and were like those applied to children at risk and those awarded by a juvenile magistrate in criminal cases to avoid imprisonment. There were two types of protection for juveniles: administrative protection was provided in cases where parents needed support, and legal protection in cases where parents refused help from the social services or where a child was seriously at risk from persons involved in criminal activity, when the circumstances would be reported to the juvenile magistrate who would take steps to protect the child, possibly by referring the case to the investigating magistrate with a view to prosecuting the perpetrators of the crime or abuse. Where a judge allowed a child to remain in the family environment, he might instruct an institutional or educative service to monitor the situation or impose certain obligations such as attendance at a special school. Where the child's home environment was unsuitable, the judge might decide to place him in the care of another relative, particularly in cases of divorce or separation, or in the care of some other reliable person.

37. The CHAIRPERSON invited the Committee to turn to the issues under the section entitled "General Principles" and invited the French delegation to summarize their written replies to the issues, which read as follows:

"General principles

Non-discrimination

(Art. 2 of the Convention)

1. Please specify the manner in which protection of the child against all forms of discrimination as set forth in article 2, paragraph 2, of the Convention is ensured.

2. Please specify, taking into account paragraphs 29 and 31 of the report, the measures taken to ensure non-discrimination in respect of children of migrant workers.

3. Please specify the measures taken to ensure the right to education in a non-discriminatory manner for children who wear the Islamic veil.

Please indicate also how the publicity given to this problem by the media could interfere with the enjoyment of the rights recognized by article 16 of the Convention, and what measures have been taken in this connection.

4. Please indicate whether the bill relating to the abolition of discrimination suffered by adulterine children in matters of inheritance has in fact been introduced in Parliament (para. 165 of the report).

5. Please explain the basis for the distinction made in regard to payment of family benefits between children who are de jure or de facto in different situations (para. 165 of the report).

6. Bearing in mind the principle of non-discrimination, please specify the reason why, in paragraph 303 of the report, the right to maintain regular relations with separated parents applies only to legitimate Franco-Algerian children. Also please indicate the distinction in connection with the name of the child, referred to in paragraph 186, and in connection with the exercise of parental authority, referred to in paragraph 248.

The right to life, survival and development

(Art. . of the Convention)

7. Please supply precise information on the preparation of provisional birth certificates, the certificate for children without filiation and the certificate of origin.

Respect for the view of the child

8. Having regard to paragraphs 97-98 and 189 of the report, please indicate:

- In what circumstances, by what procedure and with what guarantees does the child proceed to consent to a change in his first name or his surname or to his adoption;

- Whether the child may take the initiative as regards changing his or her name. What weight is given to a refusal to consent (how is respect for the best interests of the child ensured)?"

38. Mr. FONROJET (France) referring to the issue No. 1, said that children and adults were protected against racism, all forms of discrimination and xenophobia by a number of anti-racist legal provisions which had been referred to in some detail in paragraphs 53 to 60 of the core document (HRI/CORE/1/Add.17). France also tried to guarantee children equal treatment in the courts, and to that end the competent section of the Ministry of Justice had made arrangements with a number of bar associations for specialized training for lawyers, legal information for minors and their families, and for specialized defence over an experimental period. At the end of the experimental phase, the Act of 10 July 1991 had been passed which provided legal aid for minors on more favourable conditions, and without

conditions regarding residence for foreign minors. The Act of 8 January 1993 established the principle of the right of minors to be heard in any court, and to be accompanied by a lawyer or person of their choice. The Act of 10 July 1991, also on legal aid, established the right of a minor to be heard with a lawyer or to be granted legal assistance by a lawyer appointed for him by a judge.

39. The Civil Code also provided for the appointment of an ad hoc administrator for minors in cases where their views differed from those of their legal representatives. Finally, the Act of 4 January 1993 reforming criminal procedure made legal assistance compulsory from the outset.

40. As far as remedies were concerned, minors were given 15 days in which to appeal against a decision involving educative measures.

41. The system of educative measures enabled judges to make decisions designed to meet the needs of the young offender or the child at risk, irrespective of his nationality or status. The concept of risk was particularly important in that connection, and it was up to the judge to determine the degree of risk involved, and whether it was current or imminent.

42. With regard to issue No. 2, there were two aspects to be considered: the right to instruction of all children on national territory irrespective of their status or that of their parents was established in the preamble to the Constitution of 27 October 1946, which also established the right to education, vocational training and culture, and made it the duty of the State to provide education free of charge at all levels. The Haby Act of 11 July 1975 then made school education compulsory for all children between the ages of 6 and 16. The educational achievements of the children of migrant workers were important from the point of view of their integration in France, and a number of measures had been taken to help such children. To overcome language difficulties or difficulties caused by late entry to the educational system, preparatory classes and remedial teaching were provided for children between the ages of 7 and 10; reception classes were arranged for children over 10, with flexible arrangements in the general and technical secondary schools and vocational training schools for children whose mother tongue was not French. A number of training and information centres had been established since 1975 to meet the needs of the teachers of migrant children. Initiatives had also been taken outside the school system, but in close collaboration with it, designed to help underprivileged children, such as immigrant children, with homework, for example, and, later on, in efforts to combat unemployment, an area of particular difficulty for immigrant children, due largely to the reluctance of employers to take them on, to the behaviour of some youngsters from other countries in search of an identity, and to their inadequate knowledge of written and spoken French. Additional difficulties, referred to by Mr. Kolosov, affected young girls kept at home by their North African, Sub-Saharan or Turkish families.

43. With regard to issue No. 3, the secularism of the public education system, established by the 1946 Constitution, and its principle of neutrality applied to teachers and pupils alike. The applicable principles regarding the wearing of religious symbols in schools had been referred to by the Council of State in an opinion dated 27 November 1989, on the basis of existing laws, and

subsequently taken up by the Ministry of Education. The first principle was that pupils were free to express and manifest their faith within educational establishments provided they did not violate the principle of secularism. That freedom was limited, however, by the need to respect pluralism and the freedom of others, as well as educational activities and programmes. It was also subject to public order, including the health and safety of pupils, and to respect for the operation of the public service. As a result, pressure, provocation, proselytizing and propaganda, whatever their nature, were forbidden.

44. The Council of State had nevertheless accepted the possibility, where necessary, of restricting the wearing of religious symbols in educational establishments. Initially, it was left to the head of the school, assisted by the teaching staff, to try to persuade the young persons concerned. In the event of failure on their part, disciplinary action was possible, including the refusal to admit a pupil who seriously disrupted school life.

45. There were no special measures, as such, to guarantee the right to education in a non-discriminatory manner of children who wore the Islamic veil, except that if a child was refused admission following a disciplinary procedure, the educational authorities would have to inform the family of the possibilities available to it to enable it to comply with its legal obligation to ensure schooling for the child, mainly by correspondence courses.

46. The media had on numerous occasions reported on the difficulties encountered by young girls whose families wished them to wear the veil at school. Without prejudice to the freedom of the press in any democratic society, the private lives of individuals were protected by the country's civil and criminal law. The legal representatives of minors could apply to the competent court to take action against any invasion of privacy.

47. Referring to the question of discrimination suffered by adulterine children in matters of inheritance, he said that a bill relating to the law of succession introduced in the National Assembly in 1992 was to be submitted once again to the Parliament. However, the text had first to be considered by the Council of Ministers.

48. The distinctions mentioned in paragraph 165 of the report regarding payment of family benefits between children who were de jure or de facto in different situations could not be regarded as discriminatory and were based on considerations of family policy or protection of the child. Family policy was in fact an overall policy designed to improve the welfare of the child within his family and to contribute to his development throughout his life. To that end, various kinds of assistance had been created in order to meet the real needs of families called upon for the most part to assume heavy financial burdens or to cope with difficult situations.

49. With regard to issue No. 6 in the section entitled "General Principles", he said that the Franco-Algerian Convention of 21 June 1988 applied only to the legitimate children of Franco-Algerian couples, due to the position adopted by the Algerian party during the negotiations. Algerian law did not grant legal status to the natural child, since marriage was regarded as the sole basis of the family. However, in order to enable natural children to

benefit from the provisions of article 9 of the Convention, parents constantly sought to find a solution to the problem caused by the displacement of their children.

50. Referring to issue No. 7 of the list of issues, he said that article 58 of the Civil Code provided for the inclusion in the civil registry of a report concerning the finding of the child.

51. Mr. KOLOSOV asked for information concerning the ongoing consideration by France of the possibility of acceding to or ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

52. Miss MASON said that she took note of the lengths to which the French Government had gone to ensure the observance of the principle of non-discrimination with regard to children.

53. She said that she would welcome information concerning the application of the principle of non-discrimination with regard to gypsies in the field of education in view of their nomadic way of life. In that connection, she noted that according to a report by UNICEF, the French State considered nomadic normalism as the main obstacle to normal life. Significance was given to higher rates of institutionalization among gypsy children, and an increase in the practice of educating gypsy children in special schools, such as institutions for the mentally handicapped.

54. Mrs. SANTOS PAIS said that in view of the statement in paragraph 186 of the report (CRC/C/3/Add.15), it seemed that the marital status of the parents could lead to a situation of discrimination concerning the name of the child.

55. Referring to the first sentence of paragraph 324 of the report, she wondered what would be the effect of the absence of family benefits on the economic and social situation of migrant children and their families.

56. Mr. FONROJET (France) said, with regard to the question by Mr. Kolosov relating to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, that the instrument was a complex one which gave rise to many difficulties involving reciprocity and regional agreements already signed by his country. At the present time, his Government did not envisage acceding to that Convention, which had so far been signed by only two or three States.

57. With regard to the problems facing the children of nomads, he said that there was no distinction to be made concerning the rights which most children enjoyed in French territory. It was merely a question of determining the way in which they fulfilled their obligations. On the one hand, specific measures were taken to ensure that they carried out their scholastic obligations. On the other, there was the fact that they benefited from legal protection. If the situation of their family meant that they required assistance, the judge was able to intervene along those lines.

58. He was not in a position at the present time to indicate the actions taken over many years by his Government to ensure the education of those

children. However, he drew attention to the fact that a programme had been established in Marseilles with a view to enabling young gypsies to receive vocational training. Considerable effort was being made to combat illiteracy and to promote the integration of young persons in the school system. Members of the Committee would recognize that France could not accept a situation whereby a number of people entered its territory in an irregular manner, infringing the laws governing the country. Nor could it accept a situation where persons residing in its territory were unable to meet their basic needs. His Government therefore tried to reconcile two imperatives. One was humanitarian and the other resulted from the fact that persons in an irregular situation were not entitled to the same benefits as those who had entered the country legally.

59. With regard to another point that had been raised by Mrs. Santos Pais, he said that the parents of a natural child could make a joint declaration which enabled the child to bear the name of the father.

60. Mr. HAMMARBERG, speaking in his personal capacity, said that gypsies had an infant mortality rate double that of the rest of the population in France and that only about one third of gypsy children attended school. That was a situation which caused great concern.

61. In Sweden, it was only after the Parliament had decided that all municipalities should grant the children of each gypsy tribe in the municipality the right to attend school whether or not the child in question was registered in that municipality that a positive development had occurred. He had the impression that Governments in Europe had given serious consideration to the reports of the Council of Europe and non-governmental organizations on the gypsy problem in their efforts to seek another approach to that community. In his opinion, the report by France did not reflect the seriousness of the problem.

62. In response to a point raised by Mrs. SANTOS PAIS, Mr. FONROJET (France) said that in France, school was compulsory and therefore any gypsy family which arrived in a commune was entitled to register its child in school.

63. His country did not treat the problem of gypsies lightly and had for a number of years sought a solution that would stress the freedom of the family and enable it to choose its own way of life. He would seek more information on the matter from the competent Ministry of his Government and transmit it to the Committee.

The meeting rose at 6.05 p.m.